EXPRE

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post

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Name (Print)

Signature

Customer No.:



PATENT TRADEMARK OFFICE

Docket No.: 3404/0F546

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masaru MIYAMOTO

Serial No.: 09/297,399

Art Unit:

1714

Filed:

April 29, 1999

Examiner:

C. SHOSHO

For:

WATER BASED INK COMPOSITION FOR BALLPOINT PEN

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated February 20, 2001 of the Primary Examiner finally rejecting claims 1-5.

The item(s) checked below are applicable:

- 1. **[√]** An extension of time to respond to the final rejection is required: a petition and fee of \$890.00 are enclosed.
- 2. [√] A timely response to the final rejection has been filed.

08/17/2001 TBESHAH1 00000046 09297399

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310.00 OP V

- 3. **[√]** Fee \$310.00
 - [√] Enclosed
 - [] Not required (fee paid in prior appeal)
 - [√] Charge any deficiency to Deposit Account No. 04-0100

Respectfully submitted,

Dated: August 15, 2001

J∳hn C./Todaro Reg. No. 36,036

Attorney for Applicant(s)

DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022 212-527-7700

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